

EXHIBIT 1

TOWNSEND AND TOWNSEND AND CREW LLP
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Attorneys for Plaintiff FAIRCHILD
SEMICONDUCTOR CORPORATION

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FAIRCHILD SEMICONDUCTOR
CORPORATION,

Plaintiff,

v.

ALPHA AND OMEGA SEMICONDUCTOR
INCORPORATED and ALPHA AND OMEGA
SEMICONDUCTOR LIMITED,

Defendants.

Case No. C 07-02664 JWS

**FAIRCHILD SEMICONDUCTOR
CORPORATION'S FIRST SET OF
INTERROGATORIES TO ALPHA
AND OMEGA SEMICONDUCTOR
LIMITED**

Plaintiff Fairchild Semiconductor Corporation ("Fairchild") pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, hereby propounds its First Set of Interrogatories to Defendant Alpha and Omega Semiconductor Limited.

A. DEFINITIONS

1. The terms "AOS," "you," and "your" as used herein shall mean Defendants Alpha and Omega Semiconductor Incorporated and Alpha and Omega Semiconductor Limited., and all

1 predecessors, successors, subsidiaries, divisions, parents and/or affiliates thereof, past or present, and
2 all past or present officers, directors, affiliates, agents, employees, attorneys, consultants,
3 representatives and any other person acting or purporting to act on behalf of Defendants AOS.

4 2. The term “patents-in-suit” refers collectively to U.S. Patent Nos. 6,429,481, 6,710,406,
5 6,521,497 and 6,828,195.

6 3. The term “accused product(s)” refers to any and all systems or products, including but
7 not limited to modules, containing trench design power MOSFETs or IGBTs made, used, offered for
8 sale, sold or imported into the United States by you, on your behalf, or by any of your customers.

9 4. The term “document” shall be broadly construed as intended by the Federal Rules of
10 Civil Procedure and shall include, but not be limited to, any written, printed, recorded or graphic
11 matter, computer memory (including but not limited to hard drives, portable memory, laptops
12 computers, FLASH memory devices, memory sticks, CDs and DVDs of any format, and optical
13 memory devices), computer tapes and diskettes, tapes, films, photographs, drawings, or any other
14 tangible thing by which information is contained, stored or displayed, of every kind or description,
15 however produced or reproduced, whether or draft or final, original or reproduction, signed or
16 unsigned, and regardless of whether approved, signed, sent, received, redrafted, or executed, including
17 without limitation written and electronic communications, electronic data, electronic files, letters,
18 correspondence, notes, memoranda of telephone conversations or meetings, diaries, desk calendars,
19 interoffice communications, fax messages, E-mail, telegrams, telex messages, records, studies, bills,
20 receipts, checks, checkbooks, purchase orders, invoices, requisitions, studies, summaries, analyses,
21 statistical and financial statements, charts, graphs, reports, computer printouts, laboratory notebooks,
22 invention disclosure documents, patent applications and drafts thereof, test records, test reports,
23 assignments, licenses, bills of sale, sale of business agreements, market studies, articles, publications,
24 patents, manuals, magnetic tapes, tabulations, records, work papers, journals, microfiche, microfilm
25 photographic film, surveys, forms, printed brochures or material similar to any of the foregoing,
26 however denominated, by whomever prepared, and to whomever addressed, which are in your
27 possession, custody or control or to which you have, have had or can obtain access.

28 5. The terms “regarding” shall mean constitute, consist of, refer, relate, summarize,

1 demonstrate, reflect, evidence, contain, study, analyze, consider, explain, mention, show, discuss,
2 embody, identify, state, describe, contradict, undermine, nullify or comment upon.

3 6. The term "person" means any natural person, firm, association, partnership,
4 government agency, corporation, proprietorship, or other entity and its officers, directors, partners,
5 employees, representatives and agents.

6 7. The term "third party" means anyone other than Fairchild or AOS.

7 8. The term "communication" means or refers to all discussions, conversations,
8 negotiations, agreements, understandings, meetings, telephone conversations, letters, notes, telegrams,
9 advertisements or other forms of information exchanged, whether oral, electronic or written.

10 9. The words "and" and "or" shall be construed conjunctively or disjunctively, whichever
11 makes the request more inclusive.

12 10. Any pronouns shall be construed to refer to the masculine, feminine or neuter gender,
13 in singular or plural, as in each case is most appropriate.

14 11. The words "all" and "any" shall be construed to mean "any and all."

15 12. The word "each" shall be construed to mean "each and every."

16 13. The singular form of any word shall be construed to also include the plural.

17 14. The term "identify" when used with respect to a natural person requires that you
18 provide the following information with respect to the person: name, last known business address, last
19 known residence address, last known telephone number, name of employer or business with whom the
20 person is or was associated, and the person's title, position and duties at the time relevant to the
21 identification, and if that person is believed to be deceased to so state and state to the best of your
22 belief approximately when and where you believe that person died. Once a person has been thus
23 identified in an answer, it shall be sufficient, when again identifying that person, to state only that
24 person's name.

25 15. The term "identify" when used with respect to a person that is not a natural person
26 means, to the extent applicable, to provide the same information required as though the entity were a
27 natural person, and provide the additional information concerning the nature of the entity (e.g.,
28 partnership, corporation, etc.).

16. The term “identify” when used with respect to a communication means to state the names of the parties to the communication, the date or approximate date of the communication, and the substance of the communication, and to list all documents containing or relating to the communication.

17. The term “identify” when used with respect to a document means to state (1) the title (if any), (2) the type of document (e.g., book, telegram, chart, letter report, memorandum, computer printout, newspaper advertisement, invoice, etc.) or some other means of identifying it, (3) its date, (4) the identity of each author, sender, addressee and recipient, (5) its last known custodian or location, (6) a brief description of its subject matter and size, (7) whether you believe the document has been lost, discarded or destroyed (stating which), and (8) if you believe the document has been lost, discarded or destroyed, the approximate date when you believe it was lost, discarded or destroyed, and the circumstances of said loss, discarding or destruction. In lieu of identifying any document, you may attach a copy of the document to your answers to these Interrogatories, indicating the Interrogatory to which it is responsive.

B. INTERROGATORIES

INTERROGATORY NO. 1:

Identify (by manufacturer and commercial part number where possible) each accused product.

INTERROGATORY NO. 2:

Identify the date of the first sale for each accused product.

INTERROGATORY NO. 3:

State separately for each accused product imported into the United States the total number of units imported per calendar quarter since May 2001.

INTERROGATORY NO. 4:

State separately for each sale in the United States of any accused product since May 2001 to whom it was sold, in what quantity (in units) and the sales price per unit.

INTERROGATORY NO. 5:

Identify each person to whom you have sold or otherwise supplied (whether or not in the United States and whether or not as a component of another device, product or module) any trench

design power MOSFETs or IGBTs made by you since May 2001, and separately for each such person identify (by commercial part number where possible) each such device, the total number of units so sold or supplied and, in the case of sales, the sales price per unit.

INTERROGATORY NO. 6:

Describe the corporate relationship between Alpha and Omega Semiconductor Incorporated and Alpha and Omega Semiconductor Limited.

INTERROGATORY NO. 7:

Describe the corporate structure of AOS.

INTERROGATORY NO. 8:

Identify each person that makes the accused products for you or on your behalf.

INTERROGATORY NO. 9:

Identify each person that makes any system, product, or module that incorporates any of the accused products.

INTERROGATORY NO. 10:

Identify each person that uses, sells, offers for sale or imports into the United States any system, product, or module that incorporates any of the accused products

INTERROGATORY NO. 11:

State separately for each accused product and each claim of the patents-in-suit all facts on which you base the contention (or which support or otherwise relate to that contention) set forth in your First Affirmative Defense, "Failure To State A Claim," including (without limitation) a detailed explanation of reasons for that contention, an identification (e.g., by document production numbers) of all documents that support or otherwise relate to that contention or the supporting facts, and an identification (by full name and last known employer, address and telephone number) of the identities of all persons having knowledge of any fact or contention recited in your answer to this interrogatory.

INTERROGATORY NO. 12:

State separately for each accused product and each claim of the patents-in-suit all facts on which you base the contention (or which support or otherwise relate to that contention) set forth in your Second Affirmative Defense, "Non-infringement of the Asserted Patents," including (without

1 limitation) a detailed explanation of reasons for that contention, an identification (e.g., by document
2 production numbers) of all documents that support or otherwise relate to that contention or the
3 supporting facts, and an identification (by full name and last known employer, address and telephone
4 number) of the identities of all persons having knowledge of any fact or contention recited in your
5 answer to this interrogatory.

6 INTERROGATORY NO. 13:

7 State separately for each claim of the patents-in-suit all facts on which you base the contention
8 (or which support or otherwise relate to that contention) set forth in your Third Affirmative Defense,
9 “Invalidity of the Asserted Patents,” including (without limitation) a detailed explanation of reasons
10 for that contention, an identification (e.g., by document production numbers) of all documents that
11 support or otherwise relate to that contention or the supporting facts, and an identification (by full
12 name and last known employer, address and telephone number) of the identities of all persons having
13 knowledge of any fact or contention recited in your answer to this interrogatory.

14 INTERROGATORY NO. 14:

15 State separately for each of the patents-in-suit all facts on which you base the contention (or
16 which support or otherwise relate to that contention) set forth in your Fourth Affirmative Defense,
17 “Failure to Mark,” including (without limitation) a detailed explanation of reasons for that contention,
18 an identification (e.g., by document production numbers) of all documents that support or otherwise
19 relate to that contention or the supporting facts, and an identification (by full name and last known
20 employer, address and telephone number) of the identities of all persons having knowledge of any fact
21 or contention recited in your answer to this interrogatory.

22 INTERROGATORY NO. 15:

23 State separately for each claim of the patents-in-suit all facts on which you base the contention
24 (or which support or otherwise relate to that contention) set forth in your Fifth Affirmative Defense,
25 “Unavailability of Relief,” including (without limitation) a detailed explanation of reasons for that
26 contention, an identification (e.g., by document production numbers) of all documents that support or
27 otherwise relate to that contention or the supporting facts, and an identification (by full name and last
28 known employer, address and telephone number) of the identities of all persons having knowledge of

1 any fact or contention recited in your answer to this interrogatory.

2 INTERROGATORY NO. 16:

3 State separately for each claim of the patents-in-suit all facts on which you base the contention
4 (or which support or otherwise relate to that contention) set forth in your Sixth Affirmative Defense,
5 “Unavailability of Enhanced Damages,” including (without limitation) a detailed explanation of
6 reasons for that contention, an identification (e.g., by document production numbers) of all documents
7 that support or otherwise relate to that contention or the supporting facts, and an identification (by full
8 name and last known employer, address and telephone number) of the identities of all persons having
9 knowledge of any fact or contention recited in your answer to this interrogatory.

10 INTERROGATORY NO. 17:

11 State separately for each claim of the patents-in-suit all facts on which you base the
12 contention (or which support or otherwise relate to that contention) set forth in your Seventh
13 Affirmative Defense, “Prosecution History Estoppel,” including (without limitation) a detailed
14 explanation of reasons for that contention, an identification (e.g., by document production numbers) of
15 all documents that support or otherwise relate to that contention or the supporting facts, and an
16 identification (by full name and last known employer, address and telephone number) of the identities
17 of all persons having knowledge of any fact or contention recited in your answer to this interrogatory.

18 INTERROGATORY NO. 18:

19 State separately for each claim of the patents-in-suit all facts on which you base the
20 contention (or which support or otherwise relate to that contention) set forth in your Eighth
21 Affirmative Defense, “Laches/Prosecution Laches/Estoppel,” including (without limitation) a detailed
22 explanation of reasons for that contention, an identification (e.g., by document production numbers) of
23 all documents that support or otherwise relate to that contention or the supporting facts, and an
24 identification (by full name and last known employer, address and telephone number) of the identities
25 of all persons having knowledge of any fact or contention recited in your answer to this interrogatory.

26 INTERROGATORY NO. 19:

27 State separately for each claim of the patents-in-suit all facts on which you base the contention
28 (or which support or otherwise relate to that contention) set forth in your Ninth Affirmative Defense,

1 “Adequate Remedy At Law,” including (without limitation) a detailed explanation of reasons for that
2 contention, an identification (e.g., by document production numbers) of all documents that support or
3 otherwise relate to that contention or the supporting facts, and an identification (by full name and last
4 known employer, address and telephone number) of the identities of all persons having knowledge of
5 any fact or contention recited in your answer to this interrogatory.

6
7 DATED: July 27, 2007

Respectfully submitted,

8
9
10 By: 

Eric P. Jacobs

Peter H. Goldsmith

Robert A. McFarlane

Igor Shoiket

TOWNSEND AND TOWNSEND AND CREW LLP

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San Francisco, California 94111

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15 Attorneys for Plaintiff

16 FAIRCHILD SEMICONDUCTOR CORPORATION

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CERTIFICATE OF SERVICE

[C.C.P. §§ 1011 and 1013, C.R.C. § 2008, F.R.C.P. Rule 5, F.R.A.P. 25]

I declare that I am employed in the City and County of San Francisco, California; I am over the age of 18 years and not a party to the within action; my business address is Two Embarcadero Center, Eighth Floor, San Francisco, California, 94111. On the date set forth below, I served a true and accurate copy of the document(s) entitled:

**PLAINTIFF FAIRCHILD SEMICONDUCTOR CORPORATION'S FIRST SET
OF INTERROGATORIES TO DEFENDANTS**

on the party(ies) in this action by placing said copy(ies) in a sealed envelope each addressed as follows:

BY MAIL

Andrew J. Wu
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Attorneys for Defendants

BY HAND

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Attorneys for Defendants

☒ [By First Class Mail] I am readily familiar with my employer's practice for collecting and processing documents for mailing with the United States Postal Service. On the date listed herein, following ordinary business practice, I served the within document(s) at my place of business, by placing a true copy thereof, enclosed in a sealed envelope, with postage thereon fully prepaid, for collection and mailing with the United States Postal Service where it would be deposited with the United States Postal Service that same day in the ordinary course of business.

☐ [By Overnight Courier] I caused each envelope to be delivered by a commercial carrier service for overnight delivery to the offices of the addressee(s).

☒ [By Hand] I directed each envelope to the party(ies) so designated on the service list to be delivered by courier this date.

☐ [By Facsimile Transmission] I caused said document to be sent by facsimile transmission to the fax number indicated for the party(ies) listed above.

☐ [By Electronic Transmission] I caused said document to be sent by electronic transmission to the e-mail address(es) indicated for the party(ies) listed above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this date at San Francisco, California.

Dated: July 27, 2007.



Esther Casillas

EXHIBIT 2

TOWNSEND AND TOWNSEND AND CREW LLP
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PETER H. GOLDSMITH (State Bar No. 91294)
ROBERT A. McFARLANE (State Bar No. 172650)
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Attorneys for Plaintiff FAIRCHILD
SEMICONDUCTOR CORPORATION

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FAIRCHILD SEMICONDUCTOR
CORPORATION,

Plaintiff,

v.

ALPHA AND OMEGA SEMICONDUCTOR
INCORPORATED and ALPHA AND OMEGA
SEMICONDUCTOR LIMITED,

Defendants.

Case No. C 07-02664 JWS

**FAIRCHILD SEMICONDUCTOR
CORPORATION'S FIRST SET OF
REQUESTS FOR PRODUCTION TO
ALPHA AND OMEGA
SEMICONDUCTOR
INCORPORATED AND ALPHA
AND OMEGA SEMICONDUCTOR
LIMITED**

Plaintiff Fairchild Semiconductor Corporation ("Fairchild") hereby requests pursuant to Rule 34 of the Rules of Civil Procedure that defendants Alpha and Omega Semiconductor Incorporated and Alpha and Omega Semiconductor Limited produce each of the following documents and tangible things within thirty (30) days from the date of service hereof, at the offices of Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8th Floor, San Francisco, California 94111.

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A. DEFINITIONS

1. The terms “AOS”, “you” and “your” as used herein mean defendants Alpha and Omega Semiconductor Incorporated and Alpha and Omega Semiconductor Limited, and all predecessors, successors, subsidiaries, divisions, parents and/or affiliates thereof, past or present, and all past or present officers, directors, affiliates, agents, employees, attorneys, consultants, representatives and any other person acting or purporting to act on behalf of AOS.

2. The term “patents-in-suit” refers collectively to U.S. Patent Nos. 6,429,481, 6,710,406, 6,521,497 and 6,828,195.

3. The term “accused product(s)” refers to any and all systems or products, including but not limited to modules, containing trench design power MOSFETs or IGBTs made, used, offered for sale, sold or imported into the United States by you, on your behalf or by any of your customers.

4. The terms “refer or relate to” shall mean constitute, consist of, refer, relate, summarize, demonstrate, reflect, evidence, contain, study, analyze, consider, explain, mention, show, discuss, embody, identify, state, describe, contradict, undermine, nullify or comment upon. Similarly, the term “referring or relating to” shall mean constituting, consisting of, referring, relating, summarizing, demonstrating, reflecting, evidencing, containing, studying, analyzing, considering, explaining, mentioning, showing, discussing, embodying, evidencing, identifying, stating, describing, contradicting, undermining, nullifying or commenting upon.

5. The term “document” shall be broadly construed as intended by the Federal Rules of Civil Procedure and shall include, but not be limited to, any written, printed, recorded or graphic matter, computer memory (including but not limited to hard drives, portable memory, laptops computers, FLASH memory devices, memory sticks, CDs and DVDs of any format, and optical memory devices), computer tapes and diskettes, tapes, films, photographs, drawings, or any other tangible thing by which information is contained, stored or displayed, of every kind or description, however produced or reproduced, whether or draft or final, original or reproduction, signed or unsigned, and regardless of whether approved, signed, sent, received, redrafted, or executed, including without limitation written and electronic communications, electronically stored information, electronic data, electronic files, letters, correspondence, notes, memoranda of telephone conversations or

1 meetings, diaries, desk calendars, interoffice communications, fax messages, E-mail, telegrams, telex
2 messages, records, studies, bills, receipts, checks, checkbooks, purchase orders, invoices, requisitions,
3 studies, summaries, analyses, statistical and financial statements, charts, graphs, reports, computer
4 printouts, laboratory notebooks, invention disclosure documents, patent applications and drafts
5 thereof, test records, test reports, assignments, licenses, bills of sale, sale of business agreements,
6 market studies, articles, publications, patents, manuals, magnetic tapes, tabulations, records, work
7 papers, journals, microfiche, microfilm photographic film, surveys, forms, printed brochures or
8 material similar to any of the foregoing, however denominated, by whomever prepared, and to
9 whomever addressed, which are in your possession, custody or control or to which you have, have had
10 or can obtain access.

11 6. The term "sale(s)", "sell" or "sold" shall include sales, licenses, leases loans,
12 consignments, distribution to resellers or others and all other methods of product distribution whether
13 direct or indirect and whether the produce is distributed singly or in combination with or as part of
14 another product, and whether or not revenue was or will be received therefrom.

15 7. The term "person" means any natural person, firm, association, partnership,
16 government agency, corporation, proprietorship, or other entity and its officers, directors, partners,
17 employees, representatives and agents.

18 8. The term "third party" means anyone other than AOS or Fairchild.

19 9. The term "communication" means or refers to all discussions, conversations,
20 negotiations, agreements, understandings, meetings, telephone conversations, letters, notes, telegrams,
21 advertisements or other forms of information exchanged, whether oral, electronic or written.

22 10. The words "and" and "or" shall be construed conjunctively or disjunctively, whichever
23 makes the request more inclusive.

24 11. Any pronouns shall be construed to refer to the masculine, feminine or neuter gender,
25 in singular or plural, as in each case is most appropriate.

26 12. The words "all" and "any" shall be construed to mean "any and all."

27 13. The word "each" shall be construed to mean "each and every."

28 14. The singular form of any word shall be construed to also include the plural.

B. INSTRUCTIONS

1. Pursuant to Rule 34 of the Federal Rules of Civil Procedure, you are requested to respond within 30 days from the date of service of this request.

2. If you contend that any document requested to be produced is protected from discovery by the attorney-client privilege, work product doctrine, or any other ground of privilege or immunity, each such document shall be identified as follows:

- a. the date of the document;
- b. the name and title or position of the author(s) of the document;
- c. the name and title or position of all persons designated as addressees or otherwise as recipients of copies of the document;
- d. the subject matter of the document;
- e. the type of document (memorandum, letter, report, etc.)
- f. the specific grounds for withholding the document in sufficient detail for the Court to rule on the merits of the claim of attorney-client privilege, work product doctrine; or other ground of privilege or immunity; and
- g. the number of the document request(s) to which the document pertains.

3. In producing documents pursuant to this request, AOS shall indicate the specific request(s) in response to which each document or group of documents is being produced. If there are no documents in the possession, custody or control of AOS which are responsive to a request herein, AOS shall state that fact in its written response to such request(s).

4. Unless otherwise indicated, this request for production of documents seeks all documents existing or prepared through the present.

5. This request shall be deemed continuing so as to require prompt and further supplemental production if AOS obtains additional documents at any time between the time of the initial production and the time of hearing or trial.

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C. DOCUMENT REQUESTS**DOCUMENT REQUEST NO. 1:**

All documents describing any aspect of the structure or design of any accused product, including without limitation plots of mask layers, cell plots, design drawings, electronic design automation files and starting material descriptions.

DOCUMENT REQUEST NO. 2:

All documents describing any aspect of the process of manufacture of any accused product, including without limitation process, flows, process travelers and process recipes.

DOCUMENT REQUEST NO. 3:

All documents describing the configuration of any accused product at any stage of its manufacture (including without limitation documents depicting the configuration of the semiconductor junctions and layers atop the silicon substrate and how those junction patterns and layers are/were formed).

DOCUMENT REQUEST NO. 4:

All documents describing the arrangements made for the manufacture of any accused products, including without limitation documents describing the place of wafer fabrication, the changes to the manufacturing process over time, and the shipment of wafers for assembly into accused products and eventual sale.

DOCUMENT REQUEST NO. 5:

Data books, catalogs, datasheets, application notes, instructional materials, product selector guides, application notes, designer's manual, web pages or other product literature referring or relating to any accused product.

DOCUMENT REQUEST NO. 6:

All travel logs, masks, process run cards, manufacturing specifications, manufacturing drawings, schematics, blueprints, drawings, sketches, design specifications, or flow charts referring or relating to the accused products.

DOCUMENT REQUEST NO. 7:

All documents and things, including but not limited to, photographs, micrographs or

1 prototypes that relate to or were referred to, examined or used in the design or development of the
2 accused products.

3 DOCUMENT REQUEST NO. 8:

4 All documents and things that relate to the structure or design of the accused products.

5 DOCUMENT REQUEST NO. 9:

6 All documents and things that relate to or evidence modification(s) or improvement(s) to the
7 accused products.

8 DOCUMENT REQUEST NO. 10:

9 All documents that relate to or evidence the contemplation of, the negotiation for, or the
10 entering into of any patent or technology licenses or agreements with third parties relating to the
11 accused products.

12 DOCUMENT REQUEST NO. 11:

13 All documents that relate to any investigation, report, opinion, study, or analysis (legal or
14 otherwise) whether formal or informal concerning, discussing or relating to any potential or alleged
15 infringement of one or more of the patents-in-suit or any claim thereof.

16 DOCUMENT REQUEST NO. 12:

17 Documents sufficient to describe the corporate relationship between Alpha and Omega
18 Semiconductor Incorporated and Alpha and Omega Semiconductor Limited.

19 DOCUMENT REQUEST NO. 13:

20 Documents sufficient to describe the corporate structure of AOS.

21 DOCUMENT REQUEST NO. 14:

22 All documents that relate to company directories, organizational charts and similar documents
23 sufficient to show names, locations (geographic or by department or division) and reporting lines of all
24 AOS officers, directors or employees who may have had knowledge concerning AOS's design,
25 development, manufacture, production, marketing, distribution, importation, offers for sale and/or sale
26 of any of the accused products.

27 DOCUMENT REQUEST NO. 15:

28 All documents that relate to AOS's marketing and sales in the United States of any of the

1 accused products from May 2001 to the present (including but not limited to marketing and business
2 plans).

3 DOCUMENT REQUEST NO. 16:

4 All documents reflecting any sales of any accused product in the United States, including
5 without limitation all customer lists and periodic sales reports for such products from May 2001 to the
6 present.

7 DOCUMENT REQUEST NO. 17:

8 All documents that relate to agreements with any third party, including but not limited to
9 distributors or resellers, that imports, promotes, markets, sells, offers to sell or uses the accused
10 products.

11 DOCUMENT REQUEST NO. 18:

12 Documents sufficient to identify each person that makes the accused products for you or on
13 your behalf.

14 DOCUMENT REQUEST NO. 19:

15 Documents sufficient to identify each person that makes any system, product, or module that
16 incorporates any of the accused products.

17 DOCUMENT REQUEST NO. 20:

18 Documents sufficient to identify each person that uses, sells, offers for sale or imports into the
19 United States any system, product, or module that incorporates any of the accused products.

20 DOCUMENT REQUEST NO. 21:

21 All documents that relate to any comparisons between the accused products and any product
22 made or sold by Fairchild.

23 DOCUMENT REQUEST NO. 22:

24 All documents and things you identified and/or were requested to identify in your answers to
25 Fairchild's First Set of Interrogatories.

1 DATED: July 27, 2007

Respectfully submitted,

2
3 By: 

4 Eric P. Jacobs
5 Peter H. Goldsmith
6 Robert A. McFarlane
7 Igor Shoiket
8 TOWNSEND AND TOWNSEND AND CREW LLP
9 Two Embarcadero Center, 8th Floor
10 San Francisco, California 94111
11 Telephone: (415) 576-0200
12 Facsimile: (415) 576-0300

13 Attorneys for Plaintiff
14 FAIRCHILD SEMICONDUCTOR CORPORATION

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61100788 v3

CERTIFICATE OF SERVICE

[C.C.P. §§ 1011 and 1013, C.R.C. § 2008, F.R.C.P. Rule 5, F.R.A.P. 25]

I declare that I am employed in the City and County of San Francisco, California; I am over the age of 18 years and not a party to the within action; my business address is Two Embarcadero Center, Eighth Floor, San Francisco, California, 94111. On the date set forth below, I served a true and accurate copy of the document(s) entitled:

**PLAINTIFF FAIRCHILD SEMICONDUCTOR CORPORATION'S FIRST SET
OF REQUESTS FOR PRODUCTION TO DEFENDANTS**

on the party(ies) in this action by placing said copy(ies) in a sealed envelope each addressed as follows:

BY MAIL

Andrew J. Wu
Morgan Lewis & Bockius LLP
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306
Tel: 650-843-4000
Fax: 650-843-4001
Email: awu@morganlewis.com

Attorneys for Defendants

BY HAND

Daniel Johnson, Jr.
Rita E. Tautkus
Morgan Lewis & Bockius LLP
One Market Street, Spear Street Tower
San Francisco, CA 94105-1126
Tel: 415-442-1000
Fax: 415-442-1001
Email: djjohnson@morganlewis.com
Email: rtautkus@morganlewis.com

Attorneys for Defendants

☒ [By First Class Mail] I am readily familiar with my employer's practice for collecting and processing documents for mailing with the United States Postal Service. On the date listed herein, following ordinary business practice, I served the within document(s) at my place of business, by placing a true copy thereof, enclosed in a sealed envelope, with postage thereon fully prepaid, for collection and mailing with the United States Postal Service where it would be deposited with the United States Postal Service that same day in the ordinary course of business.

☐ [By Overnight Courier] I caused each envelope to be delivered by a commercial carrier service for overnight delivery to the offices of the addressee(s).

☒ [By Hand] I directed each envelope to the party(ies) so designated on the service list to be delivered by courier this date.

☐ [By Facsimile Transmission] I caused said document to be sent by facsimile transmission to the fax number indicated for the party(ies) listed above.

☐ [By Electronic Transmission] I caused said document to be sent by electronic transmission to the e-mail address(es) indicated for the party(ies) listed above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this date at San Francisco, California.

Dated: July 27, 2007.



Esther Casillas

61100788 v3

EXHIBIT 3
FILED UNDER SEAL

EXHIBIT 4

1 MORGAN, LEWIS & BOCKIUS LLP
2 DANIEL JOHNSON, JR., State Bar No. 57409
3 BRETT M. SCHUMAN, State Bar No. 189247
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11 Attorneys for Plaintiffs and Counterdefendants
12 ALPHA & OMEGA SEMICONDUCTOR, INC.
13 ALPHA & OMEGA SEMICONDUCTOR, LTD.

13 UNITED STATES DISTRICT COURT
14
15 NORTHERN DISTRICT OF CALIFORNIA
16
17 SAN FRANCISCO DIVISION

17 ALPHA & OMEGA SEMICONDUCTOR,
18 INC. a California corporation; and ALPHA
19 & OMEGA SEMICONDUCTOR, LTD., a
20 Bermuda corporation,

20 Plaintiffs and
21 Counterdefendants,

22 vs.

22 FAIRCHILD SEMICONDUCTOR
23 CORP., a Delaware corporation,

24 Defendant and
25 Counterclaimant.

Case No. C 07-2638 JSW
(Consolidated with Case No. C-07-2664 JSW)

**AOS'S RESPONSES AND OBJECTIONS
TO FAIRCHILD'S FIRST SET OF
REQUESTS FOR PRODUCTION SERVED
IN CASE NO. C 07-2664 JSW**

26 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiffs and
27 Counterdefendants Alpha & Omega Semiconductor, Ltd. and Alpha & Omega Semiconductor,
28

1 Inc. (collectively "AOS") hereby respond to the First Set of Requests for Production ("Requests")
 2 propounded by Defendant and Counterclaimant Fairchild Semiconductor Corp. ("Fairchild") in
 3 Case No. 07-02664 JSW, averring as follows:

4 GENERAL OBJECTIONS

5 1. AOS generally objects to the Requests to the extent they seek documents and
 6 things subject to the attorney-client privilege and/or work-product doctrine, or any other privilege
 7 or protection afforded by law. Any inadvertent production of any document or thing shall not
 8 constitute a waiver of any privileges of AOS, and AOS reserves its rights to demand and obtain
 9 the return of any such document or thing, and all copies thereof. AOS further objects to the
 10 Requests to the extent they require AOS to search for and reveal privileged information,
 11 documents, and things from its and its attorneys' files. AOS will not schedule on a privilege log
 12 any materials protected by the attorney-client privilege and/or work-product doctrine created on
 13 or after May 17, 2007, the date this lawsuit was initiated. As used herein, the term "non-
 14 privileged" refers to information, documents, and things that are not protected by the attorney-
 15 client privilege, the work-product doctrine, or any other applicable privilege or protection from
 16 discovery.

17 2. AOS generally objects to the Requests to the extent they seek to impose upon AOS
 18 obligations different from, or in addition to, those obligations imposed by the Federal Rules of
 19 Civil Procedure, the Civil Local Rules or the Patent Local Rules of the Northern District of
 20 California, or any Orders of the Court. AOS' responses shall be controlled by the requirements
 21 imposed by the Federal Rules of Civil Procedure, Federal Rules of Evidence, the applicable Local
 22 Rules, and Orders of the Court.

23 3. AOS objects to Fairchild's definitions of "AOS," "you," and "your" as vague,
 24 ambiguous, overly broad, and unduly burdensome to the extent they seek to make the Requests
 25 apply to, and seek information, documents, or things from, persons or entities other than, or
 26 beyond the control of, Alpha & Omega Semiconductor, Ltd. or Alpha & Omega Semiconductor,
 27 Inc. Subject to its general and specific objections, AOS shall base its answers to the Requests

solely on information, documents, or things that are in the custody, possession, or control of Alpha & Omega Semiconductor, Ltd. or Alpha & Omega Semiconductor, Inc.

4. AOS objects to Fairchild's definition of "accused product(s)" as overly broad. As Fairchild has defined the term, it purports to encompass each and every trench MOSFET product that AOS has ever made, used, offered for sale, sold or imported. AOS will treat this term as referring to the following trench MOSFET products that were identified by Fairchild in a letter dated August 3, 2005, from Stephen Schott to Dr. Michael Chang: AO4812, AO4912, AOD412, AOD414, AOD404, AOD406, AO4407, and AO4422.

5. AOS objects to Fairchild's Instruction No. 2 as overly broad and unduly burdensome to the extent it seeks to impose obligations different from, or in addition to, the obligations imposed by Rule 26(b)(5) of the Federal Rules of Civil Procedure. Accordingly, AOS shall comply with Rule 26(b)(5) with respect to any documents requested to be produced that are withheld on the grounds that they are subject to the attorney-client privilege and/or work-product doctrine, or any other privilege or protection afforded by law. Furthermore, as stated in General Objection No. 1, AOS will not schedule on a privilege log any materials protected by the attorney-client privilege or work-product doctrine created on or after May 17, 2007, the date this lawsuit was initiated.

6. AOS objects to Fairchild's Instruction No. 3 as unduly burdensome to the extent it seeks to limit the manner in which documents may be produced.

RESPONSES

REQUEST FOR PRODUCTION NO. 1:

All documents describing any aspect of the structure or design of any accused product, including without limitation plots of mask layers, cell plots, design drawings, electronic design automation files and starting material descriptions.

RESPONSE TO REQUEST FOR DOCUMENT NO. 1:

AOS incorporates by this reference its General Objections. AOS further objects to this request as overly broad, vague, ambiguous, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, AOS

1 will produce non-privileged documents responsive to this request sufficient to show the technical
2 design and operation of the accused products.

3 **REQUEST FOR DOCUMENT NO. 2:**

4 All documents describing any aspect of the process of manufacture of any accused
5 product, including without limitation process, flows, process travelers and process recipes.

6 **RESPONSE TO REQUEST FOR DOCUMENT NO. 2:**

7 AOS incorporates by this reference its General Objections. AOS further objects to this
8 request as overly broad, vague, ambiguous, unduly burdensome, and not reasonably calculated to
9 lead to the discovery of admissible evidence. Subject to and without waiving its objections, AOS
10 will produce non-privileged documents responsive to this request sufficient to describe the
11 manufacture of the accused products.

12 **REQUEST FOR DOCUMENT NO. 3:**

13 All documents describing the configuration of any accused product at any stage of its
14 manufacture (including without limitation documents depicting the configuration of the
15 semiconductor junctions and layers atop the silicon substrate and how those junction patterns and
16 layers are/were formed).

17 **RESPONSE TO REQUEST FOR DOCUMENT NO. 3:**

18 AOS incorporates by this reference its General Objections. AOS further objects to this
19 request as overly broad, vague, ambiguous, unduly burdensome, and not reasonably calculated to
20 lead to the discovery of admissible evidence. AOS further objects that the undefined term
21 "configuration," as used in this request, is vague, ambiguous and unintelligible. Subject to and
22 without waiving its objections, AOS will produce non-privileged documents responsive to this
23 request sufficient to describe the manufacture of the accused products.

24 **REQUEST FOR DOCUMENT NO. 4:**

25 All documents describing the arrangements made for the manufacture of any accused
26 products, including without limitation documents describing the place of wafer fabrication, the
27 changes to the manufacturing process over time, and the shipment of wafers for assembly into
28 accused products and eventual sale.

RESPONSE TO REQUEST FOR DOCUMENT NO. 4:

AOS incorporates by this reference its General Objections. AOS further objects to this request as overly broad, vague, ambiguous, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, AOS will produce non-privileged documents responsive to this request sufficient to describe the manufacture of the accused products.

REQUEST FOR DOCUMENT NO. 5:

Data books, catalogs, datasheets, application notes, instructional materials, product selector guides, application notes, designer's manual, web pages or other product literature referring or relating to any accused product.

RESPONSE TO REQUEST FOR DOCUMENT NO. 5:

AOS incorporates by this reference its General Objections. AOS further objects to this request as overly broad, vague, ambiguous, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, AOS will produce non-privileged documents responsive to this request sufficient to show the technical operation of the accused products.

REQUEST FOR DOCUMENT NO. 6:

All travel logs, masks, process run cards, manufacturing specifications, manufacturing drawings, schematics, blueprints, drawings, sketches, design specifications, or flow charts referring or relating to the accused products.

RESPONSE TO REQUEST FOR DOCUMENT NO. 6:

AOS incorporates by this reference its General Objections. AOS further objects to this request as overly broad, vague, ambiguous, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, AOS will produce non-privileged documents responsive to this request sufficient to show the manufacturing process of the accused products.

REQUEST FOR DOCUMENT NO. 7:

All documents and things, including but not limited to, photographs, micrographs or

1 prototypes that relate to or were referred to, examined or used in the design or development of the
2 accused products.

3 **RESPONSE TO REQUEST FOR DOCUMENT NO. 7:**

4 AOS incorporates by this reference its General Objections. AOS further objects to this
5 request as overly broad, vague, ambiguous, unduly burdensome, and not reasonably calculated to
6 lead to the discovery of admissible evidence. Subject to and without waiving its objections, AOS
7 will produce non-privileged documents responsive to this request sufficient to show the design
8 and development of the accused products.

9 **REQUEST FOR DOCUMENT NO. 8:**

10 All documents and things that relate to the structure or design of the accused products.

11 **RESPONSE TO REQUEST FOR DOCUMENT NO. 8:**

12 AOS incorporates by this reference its General Objections. AOS further objects to this
13 request as overly broad, vague, ambiguous, unduly burdensome, and not reasonably calculated to
14 lead to the discovery of admissible evidence. Subject to and without waiving its objections, AOS
15 will produce non-privileged documents responsive to this request sufficient to show the structure
16 and design of the accused products.

17 **REQUEST FOR DOCUMENT NO. 9:**

18 All documents and things that relate to or evidence modification(s) or improvement(s) to
19 the accused products.

20 **RESPONSE TO REQUEST FOR DOCUMENT NO. 9:**

21 AOS incorporates by this reference its General Objections. AOS further objects to this
22 request as overly broad, vague, ambiguous, unduly burdensome, and not reasonably calculated to
23 lead to the discovery of admissible evidence. Subject to and without waiving its objections, AOS
24 will produce non-privileged documents responsive to this request sufficient to show the technical
25 design of the accused products.

26 **REQUEST FOR DOCUMENT NO. 10:**

27 All documents that relate to or evidence the contemplation of, the negotiation for, or the
28 entering into of any patent or technology licenses or agreements with third parties relating to the

1 accused products.

2 **RESPONSE TO REQUEST FOR DOCUMENT NO. 10:**

3 Pursuant to the parties' stipulation, AOS reserves its right to object and respond to this
4 request at a later time.

5 **REQUEST FOR DOCUMENT NO. 11:**

6 All documents that relate to any investigation, report, opinion, study, or analysis (legal or
7 otherwise) whether formal or informal concerning, discussing or relating to any potential or
8 alleged infringement of one or more of the patents-in-suit or any claim thereof.

9 **RESPONSE TO REQUEST FOR DOCUMENT NO. 11:**

10 Pursuant to the parties' stipulation, AOS reserves its right to object and respond to this
11 request at a later time.

12 **REQUEST FOR DOCUMENT NO. 12:**

13 Documents sufficient to describe the corporate relationship between Alpha and Omega
14 Semiconductor Incorporated and Alpha and Omega Semiconductor Limited.

15 **RESPONSE TO REQUEST FOR DOCUMENT NO. 12:**

16 AOS incorporates by this reference its General Objections. AOS objects further on the
17 grounds that the term "corporate relationship" is vague and ambiguous. Subject to and without
18 waiving its objections, AOS will produce documents sufficient to show that Alpha and Omega
19 Semiconductor Incorporated is a wholly owned subsidiary of Alpha and Omega Semiconductor
20 Limited.

21 **REQUEST FOR DOCUMENT NO. 13:**

22 Documents sufficient to describe the corporate structure of AOS

23 **RESPONSE TO REQUEST FOR DOCUMENT NO. 13:**

24 AOS incorporates by this reference its General Objections. AOS objects further on the
25 grounds that the term "corporate structure" is vague and ambiguous. Subject to and without
26 waiving its objections, AOS will produce documents sufficient to show that Alpha and Omega
27 Semiconductor Incorporated is a wholly owned subsidiary of Alpha and Omega Semiconductor
28 Limited.

REQUEST FOR DOCUMENT NO. 14:

All documents that relate to company directories, organizational charts and similar documents sufficient to show names, locations (geographic or by department or division) and reporting lines of all AOS officers, directors or employees who may have had knowledge concerning AOS's design, development, manufacture, production, marketing, distribution, importation, offers for sale and/or sale of any of the accused products.

RESPONSE TO REQUEST FOR DOCUMENT NO. 14:

AOS incorporates by this reference its General Objections. Subject to and without waiving its objections, AOS will produce non-privileged documents responsive to this request sufficient to identify the officers, directors, or employees of AOS who have knowledge of the technical design, manufacture, and operation of the accused products.

REQUEST FOR DOCUMENT NO. 15:

All documents that relate to AOS's marketing and sales in the United States of any of the accused products from May 2001 to the present (including but not limited to marketing and business plans).

RESPONSE TO REQUEST FOR DOCUMENT NO. 15:

Pursuant to the parties' stipulation, AOS reserves its right to object and respond to this request at a later time.

REQUEST FOR DOCUMENT NO. 16:

All documents reflecting any sales of any accused product in the United States, including without limitation all customer lists and periodic sales reports for such products from May 2001 to the present.

RESPONSE TO REQUEST FOR DOCUMENT NO. 16:

Pursuant to the parties' stipulation, AOS reserves its right to object and respond to this request at a later time.

REQUEST FOR DOCUMENT NO. 17:

All documents that relate to agreements with any third party, including but not limited to distributors or resellers, that imports, promotes, markets, sells, offers to sell or uses the accused

1 products.

2 **RESPONSE TO REQUEST FOR DOCUMENT NO. 17:**

3 Pursuant to the parties' stipulation, AOS reserves its right to object and respond to this
4 request at a later time.

5 **REQUEST FOR DOCUMENT NO. 18:**

6 Documents sufficient to identify each person that makes the accused products for you or
7 on your behalf.

8 **RESPONSE TO REQUEST FOR DOCUMENT NO. 18:**

9 AOS incorporates by this reference its General Objections. AOS further objects to this
10 request as overly broad, vague, ambiguous, unduly burdensome, and not reasonably calculated to
11 lead to the discovery of admissible evidence. AOS objects further to the extent this request
12 purports to require that AOS produce documents it is obligated to keep confidential. Subject to
13 and without waiving its objections, AOS refers Fairchild to its response to Interrogatory No. 1 in
14 Case No. C 07-2664.

15 **REQUEST FOR DOCUMENT NO. 19:**

16 Documents sufficient to identify each person that makes any system, product, or module
17 that incorporates any of the accused products.

18 **RESPONSE TO REQUEST FOR DOCUMENT NO. 19:**

19 AOS incorporates by this reference its General Objections. AOS objects further on the
20 ground that this request is overly broad, vague, ambiguous, unduly burdensome, and not
21 reasonably calculated to lead to the discovery of admissible evidence. AOS further objects to this
22 request to the extent it seeks documents and things containing information that AOS is obligated
23 to keep confidential pursuant to an agreement or agreements with a third party or parties. Subject
24 to and without waiving its objections, AOS refers Fairchild to its response to Interrogatory No. 9
25 in Case No. C 07-2664.

26 **REQUEST FOR DOCUMENT NO. 20:**

27 Documents sufficient to identify each person that uses, sells, offers for sale or imports into
28 the United States any system, product, or module that incorporates any of the accused products.

RESPONSE TO REQUEST FOR DOCUMENT NO. 20:

AOS incorporates by this reference its General Objections. AOS objects further on the ground that this request is overly broad, vague, ambiguous, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. AOS further objects to this request to the extent it seeks documents and things containing information that AOS is obligated to keep confidential pursuant to an agreement or agreements with a third party or parties. Subject to and without waiving its objections, AOS refers Fairchild to its response to Interrogatory No. 9 in Case No. C 07-2664.

REQUEST FOR DOCUMENT NO. 21:

All documents that relate to any comparisons between the accused products and any product made or sold by Fairchild.

RESPONSE TO REQUEST FOR DOCUMENT NO. 21:

AOS incorporates by this reference its General Objections. AOS further objects to this request as overly broad, vague, ambiguous, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. AOS further objects to this request as premature under the Patent Local Rules. Subject to and without waiving its objections, AOS will produce all non-privileged responsive documents responsive to this request.

REQUEST FOR DOCUMENT NO. 22:

All documents and things you identified and/or were requested to identify in your answers to Fairchild's First Set of Interrogatories.

RESPONSE TO REQUEST FOR DOCUMENT NO. 22:

AOS incorporates by this reference its General Objections. AOS further objects to this request as overly broad, vague, ambiguous, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, AOS will produce the non-privileged and responsive documents it has agreed to produce in response to Fairchild's interrogatories and other document requests.

1 Dated: September 28, 2007

MORGAN, LEWIS & BOCKIUS LLP

2
3 By 
4 Brett M. Schuman.

5 Attorneys for Plaintiffs and
6 Counterdefendants
7 Alpha & Omega Semiconductor, Inc.
8 Alpha & Omega Semiconductor, Ltd.
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EXHIBIT 5

TOWNSEND
and
TOWNSEND
and
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LLP

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Tel 415.576.0200
Fax 415.576.0300

psreenivasan@townsend.com

October 10 , 2007

VIA ELECTRONIC MAIL AND U.S. MAIL

Harry F. Doscher
Morgan, Lewis & Bockius LLP
One Market
Spear Street Tower
San Francisco, CA 94105
(415) 442-1024

Re: Alpha & Omega Semiconductor, Ltd. v. Fairchild Semiconductor Corp.,
Case No. C 07-2638 JSW (consolidated with Case No. C-07-2664 JSW)
Our File No.: 18865P-021600

Dear Harry:

I am writing to you regarding AOS's deficient discovery responses and document production¹.

Regarding AOS's production of documents, AOS produced only two prosecution file histories as part of its obligations under Patent L.R. 3-2. No documents have been produced in response to Fairchild's document requests. Fairchild has already sent AOS three separate document productions. AOS should commence its document production immediately.

Deficiencies in AOS's Responses to Fairchild's Interrogatories:

Case No. 02664:

AOS has incorrectly limited Fairchild's definition of "accused products" in Case No. 07-2664 to "trench MOSFET products that were identified by Fairchild in a letter dated August 3,

¹ As raised in an e-mail chain between Igor Shoiket and Brett Schuman dated September 30, 2007, AOS failed to serve its responses in a timely manner. Fairchild served its discovery requests by hand-delivery on July 27, 2007, before the close of business. Although Mr. Schuman contends that they were not served by the close of business, a messenger service receipt shows otherwise. Consequently, AOS's responses were due on August 27, 2007. Thereafter, the parties agreed to a mutual 30-day extension to respond to discovery responses. This extension required AOS to serve its responses on September 27, 2007. By serving its responses two days late on September 29, AOS waived any objections. *Davis v. Fendler*, 650 F. 2d 1154, 1160 (9th Cir. 1981). Fairchild does not waive its right to raise this issue at a later date.

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Harry F. Doscher
October 10, 2007
Page 2

2005, from Stephen Schott to Dr. Michael Chang: AO4812, AO4912, AOD412, AOD414, AOD404, AOD406, AO4407, AO4422.” AOS has given no legal support whatsoever for its limitation of Fairchild’s definition of “accused products.” Fairchild has specifically identified several hundred additional accused AOS products in Exhibit 1 to its Preliminary Infringement Contentions served on August 31, 2007. There is absolutely no basis for AOS to limit the “accused products” to those described in a letter from two years ago. Fairchild is entitled to discovery relating to every AOS device that infringes Fairchild’s asserted patents, including, but not limited to, the devices that were listed in Exhibit 1 to Fairchild’s Preliminary Infringement Contentions.

AOS has limited Interrogatory Nos. 1-2, 5 and 8-10 to the products that are identified in the paragraph above. For the reasons stated in the previous paragraph, AOS must supplement these interrogatory responses immediately.

AOS’s response to Interrogatory No. 4 simply responds by referring to the list of products provided in connection with AOS’s Preliminary Infringement Contentions. AOS agreed to serve amended Preliminary Infringement Contentions on or before October 19. In its amended Preliminary Infringement Contentions and in response to Interrogatory No. 4, AOS must specifically identify *which* Fairchild product or process allegedly infringes the asserted claims. Please supplement this interrogatory as soon as possible.

AOS’s response to Interrogatory No. 5 simply states that AOS neither sold nor offered to sell any of the AOS products listed in AOS’s Disclosure of Asserted Claims. Please confirm that AOS has no information that *anyone other than AOS* has sold or offered for sale any of the AOS products listed in AOS’s Disclosure of Asserted Claims. Additionally, for Interrogatory No. 6, confirm that AOS has no information that *anyone other than AOS* has publicly used or demonstrated any product that AOS contends embodies, incorporates or includes the subject matter claimed by each of the AOS patents-in-suit. Please confirm this information immediately.

AOS’s response to Interrogatory No. 7 is also deficient. Rather than answer this interrogatory regarding the corporate structure of AOS, AOS simply references the response to Interrogatory No. 6. Interrogatory No. 7 is directed to the corporate structure of AOS, including information regarding any additional companies that are related to AOS, such as subsidiaries, parents, affiliates and any subsidiaries or parents of such corporations. Please supplement this response immediately to include this information.

AOS has completely failed to provide any response to Interrogatory Nos. 11-15 and 17-19. These interrogatories should be answered immediately. AOS sought and was granted a 30-day extension to respond to discovery requests. Therefore, AOS had ample time to gather the information that relates to these responses. As you are aware, contention interrogatories are permissible and acceptable under Federal Rule of Civil Procedure 33(c). *O’Conner v. Boeing North American, Inc.*, 185 F.R.D. 272, 280-81 (C.D. Cal. 1999). Simply claiming that these contention interrogatories are “premature” and “harassing” is not an appropriate response.

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Page 3

Case No. 07-2638:

In its response to Interrogatory No. 1, AOS simply cites to Federal Rule of Civil Procedure 33(d) and the file histories of the AOS patents. Please provide a detailed explanation of the facts leading up to and constituting the conception and reduction to practice of the inventions claimed and a specific identification of all persons having knowledge of any fact or contention recited in your answer to this interrogatory.

AOS's response to Interrogatory No. 7 is unacceptable. Information regarding the relevant art and the level of ordinary skill in the art to which the patents-in-suit relate is relevant to this litigation, particularly with regard to invalidity and infringement. Please respond to this interrogatory immediately.

AOS has refused to respond to Interrogatory No. 10, requesting the factual basis, if any, upon which AOS contends that its asserted patent claims are not invalid including a specific identification of each "secondary consideration" of non-obviousness. AOS propounded a similar interrogatory to Fairchild (Interrogatory No. 21). In the spirit of cooperation, Fairchild proposes that both sides defer any response to Fairchild's Interrogatory No. 10 and AOS's Interrogatory No. 21 until after invalidity contentions are exchanged. Please confirm that AOS will accept this proposal.

Deficiencies in AOS's Responses to Fairchild's Document Requests:

Case No. 07-2664:

In its responses to Fairchild's document requests in Case No. 07-2664, AOS has improperly limited Fairchild's definition of "accused products" to "trench MOSFET products that were identified by Fairchild in a letter dated August 3, 2005, from Stephen Schott to Dr. Michael Chang." As discussed above, there is no legitimate basis for AOS to restrict its responses in this manner. Fairchild has offered on several occasions to attempt to arrive at an agreement which would limit discovery to representative parts, but AOS has thus far refused to do so. Consequently, AOS must produce responsive documents that relate at a minimum to all accused products identified by Fairchild in its Disclosure of Asserted Claims and Preliminary Infringement Contentions. AOS must also produce documents that are responsive to Fairchild's definition of accused products, which is "any and all systems or products, including but not limited to modules, containing trench design power MOSFETs or IGBTs made, used, offered for sale, sold or imported into the United States by you, on your behalf or by any of your customers." Please produce such documents in response to Request Nos. 1-9, 14, and 18-21.

In its responses, AOS has improperly limited Request Nos. 1-9 to more general requests. For example, AOS has limited Request No. 1 to "documents sufficient to show the technical design and operation of the accused products" when the request specifically seeks particular documents: plots of mask layers, cell plots, design drawings, electronic design automation files

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Harry F. Doscher
October 10, 2007
Page 4

and starting material descriptions.” Request Nos. 2-9 are also improperly limited by AOS. Please confirm that AOS will produce documents responsive to each of those requests, including, but not limited to, the specific documents that have been requested by Fairchild.

Request No. 13 requires documents sufficient to describe the corporate structure of AOS. AOS improperly objected that the term “corporate structure” is vague and ambiguous. Please produce documents responsive to this request immediately, including, but not limited to, documents that describe the corporate structure of AOS, including information on any additional companies that are related to AOS, such as subsidiaries, parents, affiliates and any subsidiaries or parents of such corporations.

AOS has improperly limited Request No. 14 to only identify the officers, directors or employees of AOS who have knowledge of the technical design, manufacture and operation of the accused products. Please confirm that AOS will also produce documents that identify officers, directors or employees of AOS who have knowledge of the above categories as well as : production, distribution and importation of the accused products, all of which relate to Fairchild’s allegation of induced infringement.

In its response to Request No. 14, AOS has also not included documents that identify officers, directors or employees of AOS who may have knowledge regarding marketing, offers for sale and/or sale of any accused products. This discovery was not deferred in the signed Stipulation; however, since this is related to damages, we agree that this information may be deferred until a later point in discovery provided that AOS will produce this information later in discovery. Please confirm. Finally, please confirm that AOS will produce the specific types of documents that are listed in Fairchild’s request, including company directories, organizational charts and similar documents that show the name, location and reporting lines of AOS officers, directors or employees who have had knowledge regarding any of the accused products.

Case No. 07-2638:

Request No. 10 specifically requests documents and things “that relate to any products embodying any claims of the AOS patents-in-suit that were sold or offered for sale at any point in time.” AOS has limited this request to “responsive document sufficient to demonstrate the commercial success of the AOS products listed in AOS’ Disclosure of Asserted Claims and Preliminary Infringement Contentions.” This request is not limited to commercial success. Please confirm that AOS will produce documents that are responsive to this request in its entirety.

Request No. 12 specifically requests “external and internal specifications, design specifications and data sheets for any products embodying any claims of the AOS patents-in-suit.” AOS has limited this response to “documents sufficient to show the design, operation and commercial success of the AOS products listed in AOS’ Disclosure of Asserted Claims and Preliminary Infringement Contentions.” This request is not limited to the categories that AOS

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Harry F. Doscher
October 10, 2007
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has listed. Please confirm that AOS will produce documents that are responsive to this request in its entirety.

Request No. 13 requests all documents that relate to the "specifications of any products embodying any claims of the AOS patents-in-suit." AOS has duplicated its response to Request No. 12. This request is not limited to the categories that AOS has listed. Please confirm that AOS will produce documents that are responsive to this request in its entirety, including documents that describe the product specifications.

AOS has limited Request No. 26 to "officers, directors or employees of AOS who have knowledge of the technical design and operation of AOS products that embody the subject matter described in the AOS patents-in-suit." However, Request No. 26 specifies documents that relate to "officers, directors or employees who may have had knowledge concerning AOS's design, development, manufacture and production of any AOS power transistor products, including any products that embody the claims of the AOS patents-in suit." Please confirm that AOS will produce responsive documents to this request in its entirety.

In its response to Request No. 26, AOS has also not agreed to produce documents that identify officers, directors or employees of AOS who may have knowledge regarding marketing, offers for sale and/or sale of any AOS transistor products, including those that embody the claims of the AOS patents-in-suit. This discovery was not deferred in the signed Stipulation; however, since this is related to damages, we agree that this information may be deferred until a later point in discovery provided that AOS will produce this information later in discovery. Please confirm. Finally, please confirm that AOS will produce the specific types of documents that are listed in Fairchild's request, including company directories, organizational charts and similar documents that show the name, location and reporting lines of AOS officers, directors or employees who have had knowledge regarding products that practice the inventions claimed by the AOS patents-in-suit.

Finally, AOS's response to Request No. 32 is perplexing. AOS does not agree to produce documents in response to Request No. 32, yet AOS has agreed to produce documents in response to the same request served in Case No. 07-2664. Please confirm that AOS will produce documents in response to this request.

I am generally available to meet and confer about these issues this week.

Very truly yours,



Priya Sreenivasan

P2S/ks
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EXHIBIT 6

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October 25, 2007

VIA U.S. MAIL AND E-MAIL (psreenivasan@townsend.com)

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Re: *Alpha & Omega Semiconductor, Ltd. et al. v Fairchild Semiconductor Corp.*
Case No. C 07-2638 JSW (consolidated with Case No. C 07-2664 JSW)

Dear Priya:

I am responding to your letter to Harry Doscher dated October 10, 2007, regarding AOS's discovery responses.

I. Service of AOS's Discovery Responses

Fairchild's statements about the service of AOS's Responses and Objections (hereinafter "Responses") to Fairchild's First Set of Requests for Production and Interrogatories (hereinafter "Requests") are inaccurate. Significantly, the statement that AOS "serv[ed] its responses two days late on September 29" is incorrect. Rather, as evidenced by the accompanying Proof of Service, AOS's Responses were served on the date of mailing, September 28, 2007. Service by mail is complete on mailing, not on delivery. *See* Fed. R. Civ. P. 5(b).

Fairchild is further mistaken as to when AOS's Responses were due. As we have previously explained, Fairchild's Requests were *not* served on AOS's counsel by the close of business on July 27, 2007, and we have evidence confirming that fact. Therefore, the due date for the Responses could not have run from a date earlier than the next business day, which was July 30, 2007. Even assuming that the parties agreed to serve responses sixty (60) days after the date of service, which they did not, the due date would have been September 28, 2007.

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The parties agreed specifically to serve discovery responses on September 28, 2007. Such an agreement was evidenced in part by the negotiations between Mr. Schuman and Mr. Jacobs regarding the bifurcation of discovery. Moreover, Fairchild continued to negotiate with AOS regarding the deferral of certain discovery responses even after the date that Fairchild now contends responses were due. *See* email from P. Sreenivasan to H. Doscher dated 9/28/2007 at 4:01 pm agreeing to the terms of the proposed stipulation re: deferral of certain discovery responses. If Fairchild's intention was to use those negotiations to prevent AOS from responding to Fairchild's discovery requests until after such date as Fairchild mistakenly believed responses were due, then Fairchild has breached its good faith obligations under the federal rules.

II. AOS's Responses to Fairchild's Interrogatories in Case No. 07-2664

A. Definition of "Accused Products"

Fairchild complains that AOS has improperly limited the scope of "accused products" in Case No. 07-2664. As we have previously explained, Fairchild's definition of accused products as "any and all systems or products . . . containing trench design power MOSFETs or IGBTs" is so vague and overly broad that it fails to put AOS on fair notice of the products that Fairchild suspects are infringing its patents. The term "trench design" is vague and overbroad and literally includes a variety of unrelated structures such as, e.g., planar trench contact MOSFETs. This definition, as is, can only be read to encompass every electronic system or device used by either AOS or its customers including, e.g., telephones and automobiles.

The PICs served by Fairchild fail to provide any guidance as to what products are at issue in this case. Fairchild's PICs, as with its definition of accused products, purport to cover an indiscriminate array of AOS's MOSFET products. We have explained in exhaustive length on numerous prior occasions that Fairchild cannot properly identify all of AOS's MOSFET products as accused products without providing any substantiating evidence or support. The shotgun approach that Fairchild has taken to its PICs is clearly contrary to Patent L.R. 3-1 and applicable case law. *See, e.g., InterTrust Technologies Corp. v. Microsoft Corp.*, No. 01-1640, 2003 WL 23120174, *2-3 (N.D. Cal. Dec. 1, 2003) (finding disclosures that identified virtually all of defendant's products as deficient).

Fairchild's PICs are legally insufficient to identify more than the products identified by Fairchild in its August 3, 2005 letter. Although the parties stipulated to allow each other to supplement their PICs by October 19, 2007, Fairchild chose not to do so and must now accept the consequences of its insufficient PICs. AOS will continue to interpret "accused products" as referring to the products identified by Fairchild in the August 3, 2005 letter.

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B. Interrogatory No. 7

Subject to and without waiving its objections, AOS will provide supplementary information about the corporate structure of AOS.

C. Interrogatory Nos. 11-15, and 17-19

These interrogatories seek information about AOS's affirmative defenses to Fairchild's counterclaims. AOS disagrees that contention interrogatories like these are appropriate at this early stage of the litigation. Moreover, AOS cannot understand why Fairchild complains of AOS's responses to these interrogatories when Fairchild itself has refused to answer similar interrogatories propounded by AOS. This inconsistency should be resolved before Fairchild raises this issue again.

III. AOS's Responses to Fairchild's Interrogatories in Case No. 07-2638

A. Interrogatory No. 1

Fairchild complains that AOS does not provide a detailed account of the facts leading up to the conception and reduction to practice of the inventions claimed in the '567 and '776 patents. AOS, however, has no further information responsive to Interrogatory No. 1.

B. Interrogatory No. 4¹

Fairchild complains that AOS has not identified any specific Fairchild products or processes in response to Interrogatory No. 4. This interrogatory, however, only seeks information about AOS's own products and processes. AOS's response to this interrogatory is therefore proper. For information about accused Fairchild products and processes, AOS refers Fairchild to its supplemental PICs, served on October 19, 2007.

C. Interrogatory No. 5

Fairchild requests confirmation that "AOS has no information that *anyone other than AOS* has sold or offered for sale any of the AOS products listed in AOS's Disclosure of Asserted Claims" (emphasis added). This request is overly broad and beyond the scope of Interrogatory No. 5,

¹ In the October 10th letter, Fairchild discusses Interrogatory Nos. 4-6 under the heading for Case No. 07-2664. The substance of the discussion, however, clearly indicates that Fairchild is referring to Interrogatory Nos. 4-6 in Case No. 07-2638. Therefore, AOS groups its discussion of Interrogatory Nos. 4-6 along with its discussion of the other interrogatories from Case No. 07-2638.

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which concerns sales or offers for sale that are potentially prior art to the '567 and '776 patents. Nevertheless, AOS confirms that it has no information that anyone sold or offered to sell any of the AOS products listed in Exhibit C to AOS's supplemental PICs prior to the filing dates of the '567 or '776 patents.

D. Interrogatory No. 6

Similar to its request concerning Interrogatory No. 5, Fairchild requests confirmation that no information exists about public uses or demonstrations by anyone other than AOS. Again, AOS contends that this request is overly broad and beyond the scope of the information sought by Interrogatory No. 6. Nevertheless, AOS confirms that it has no information that anyone publicly used or demonstrated any of the AOS products listed in Exhibit C to AOS's supplemental PICs prior to the filing dates of the '567 or '776 patents.

E. Interrogatory No. 7

Fairchild complains that AOS does not identify the relevant art and the level of ordinary skill in the art to which the '567 and '776 patents relate. AOS, however, maintains that this information is the domain of expert opinion and testimony. As deadlines for expert disclosures have still not been agreed on in this case, Fairchild's demand for such information at this stage of the litigation is premature.

F. Interrogatory No. 10

AOS agrees with Fairchild's proposal to defer any responses to Fairchild's Interrogatory No. 10 and AOS's Interrogatory No. 21 until after invalidity contentions are exchanged. By this agreement, AOS does not waive any objections previously asserted in its response to Interrogatory No. 10.

IV. AOS's Responses to Fairchild's Document Requests in Case No. 07-2664

A. Definition of "Accused Products"

For all the same reasons described above, Fairchild's definition of "accused products" is overbroad, vague and ambiguous, not relevant, and not calculated to lead to the discovery of admissible evidence, and Fairchild's PICs are insufficient under Patent L.R. 3-1.

B. Request Nos. 1-9

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Fairchild complains that AOS has improperly limited the scope of these requests to documents sufficient to show the design, development, manufacture, and technical operation of the accused products. The federal discovery rules, however, do not give a party carte blanche to demand an unlimited array of discovery from the other side. Under Federal Rule of Civil Procedure 26(b), discovery can be limited even with respect to relevant documents, where the discovery requested would be unreasonably cumulative or duplicative of other discovery. Fairchild therefore is not entitled to each and every document covered by Request Nos. 1-9, as these requests in effect call for the production of all manufacturing, design, and technical operation documents in the control of AOS, without any limitation whatsoever. The production of each and every one of these documents would be unduly burdensome to AOS. Moreover, the vast majority of the documents sought by these requests are not relevant to issues in this case. Accordingly, AOS's responses to Request Nos. 1-9 properly guard against the redundant and oppressive discovery sought by Fairchild.

C. Request No. 13

Subject to and without waiving its objections, AOS will produce documents sufficient to show the corporate structure of AOS.

D. Request No. 14

Subject to and without waiving its objections, AOS will produce documents sufficient to identify the officers, directors, or employees of AOS who have knowledge of the technical design, manufacture, operation, production, distribution, and importation of the accused products. AOS agrees, again without waiving its objections, to defer the production of documents identifying officers, directors, and employees of AOS who have knowledge of marketing, offers for sale, or sales of accused products.

Fairchild has further requested AOS to confirm that it will produce the specific types of documents listed in Request No. 14. Subject to and without waiving its objections, AOS will produce such non-privileged, responsive documents that are within AOS's possession, custody or control and that can be located after a reasonably diligent good faith search.

V. AOS's Responses to Fairchild's Document Requests in Case No. 07-2638

A. Request No. 10

This request seeks "[a]ll documents and things that relate to any products embodying any claims of the AOS patents-in-suit that were sold or offered for sale at any point in time." In essence, it calls for the production of each and every document related to the AOS products identified in

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AOS's PICs. As explained above, Fairchild is not entitled to unlimited discovery on AOS's products and must tailor its requests to focus on relevant issues. Nevertheless, AOS previously agreed in its response to produce documents sufficient to show the commercial success of the AOS products identified in AOS's PICs, as AOS understands such information may be relevant to considerations of non-obviousness. Fairchild has made no attempt to identify additional relevant issues covered by this request. Accordingly, AOS's response to this request is proper.

B. Request No. 12

This request seeks "[a]ll external and internal specifications, design specification and data sheets for any products embodying any claims of the AOS patents-in-suit." By this request, Fairchild is once again seeking overly broad and burdensome discovery. AOS previously agreed in its response to produce documents sufficient to show the design, operation, and commercial success of the AOS products identified in its PICs. AOS's response to this request properly protects AOS from having to produce documents that are unreasonably cumulative and redundant of other discovery.

C. Request No. 13

This request seeks "[a]ll documents that relate to the specification of any products embodying any claims of the AOS patents-in-suit." For reasons similar to those stated above with respect to Request Nos. 10 and 12, AOS has already given a proper response to this request.

D. Request No. 26

This request seeks all documents that relate to, among other things, company directories and organizational charts that identify officers, directors, and employees who have knowledge of "any AOS power transistor products." This request is blatantly overbroad, as the phrase "any AOS power transistor products" can only be interpreted to cover virtually all of the products made and sold by AOS. In effect, this request seeks documents related to almost every employee at AOS. As reiterated throughout this letter, Fairchild is not entitled to unlimited discovery from AOS.

Nevertheless, AOS previously agreed in its response to provide documents responsive to this request to the extent they are sufficient to identify the officers, directors, or employees of AOS who have knowledge of the technical design and operation of the AOS products that embody the subject matter described in the AOS patents-in-suit. Subject to and without waiving its objections, AOS further agrees to provide documents responsive to this request to the extent they are sufficient to identify the officers, directors, or employees of AOS who have knowledge of the design, manufacture, production, and distribution of the AOS products that embody the subject

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matter described in the AOS patents-in-suit. Finally, subject to and without waiving its objections, AOS agrees to defer the production of documents identifying officers, directors, and employees of AOS who have knowledge of marketing, offers for sale, or sales of the AOS products that embody the subject matter described in the AOS patents-in-suit.

Fairchild has further requested AOS to confirm that it will produce the specific types of documents listed in Request No. 26. Subject to and without waiving its objections, AOS will produce such non-privileged, responsive documents that are within AOS's possession, custody or control and that can be located after a reasonably diligent good faith search.

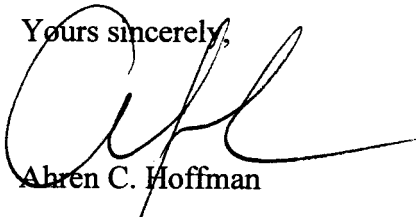
E. Request No. 32

Subject to and without waiving its objections, AOS will produce such non-privileged, responsive documents that are within AOS's possession, custody or control and that can be located after a reasonably diligent good faith search that it agreed to produce in response to Fairchild's interrogatories and other document requests.

* * *

To the extent that we have not previously reached an impasse on the issues addressed above, we are available to meet and confer later this week and all of next.

Yours sincerely,



Abren C. Hoffman

cc: Leonard J. Augustine, Jr., Esq. (via email: laugustine@townsend.com)
Matthew R. Hulse (via email: mrhulse@townsend.com)
Eric P. Jacobs, Esq. (via email: epjacobs@townsend.com)
Igor Shoiket (via email: ishoiket@townsend.com)

EXHIBIT 7

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November 6, 2007

VIA FIRST CLASS MAIL AND E-MAIL: ishoiket@townsend.com

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Re: *Alpha & Omega Semiconductor, Ltd. et al. v Fairchild Semiconductor Corp.*
Case No. C 07-2664 JSW

Dear Igor:

As a follow-up to our conference call at 4:00 yesterday afternoon, I write regarding AOS's objection to the definition of "accused product(s)" that was employed by Fairchild in its discovery requests.

In its responses, AOS properly objected to Fairchild's definition of this term as overly broad because it purportedly covers each and every trench MOSFET product made by AOS. Such an over-reaching definition left AOS with no choice but to treat the term as referring to the eight *specific* trench MOSFET products that Fairchild appeared to accuse in good faith, as identified in Fairchild's pre-litigation correspondence (*i.e.*, AO4407, AO4422, AO4812, AO4912, AOD404, AOD406, AOD412, and AOD414).

AOS nevertheless recognizes that Fairchild has identified additional AOS products in its Disclosure of Asserted Claims and Preliminary Infringement Contentions ("PICS") for the '481, '497, '406, and '195 patents that were not previously identified in the pre-litigation correspondence. The previously unidentified products include AO4410, AO4413A, AO4468, AO6402, AO6405, AO4704, AO4914, AOD438, AOL1412, AOL1414.

Without waiving its objections, AOS will treat the term "accused product(s)" as further including these previously unidentified products. Thus, for purposes of AOS's responses to these

Igor Shoiket, Esq.
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discovery requests, AOS will interpret “accused product(s)” as including AO4407, AO4410, AO4413A, AO4422, AO4468, AO6402, AO6405, AO4704, AO4812, AO4912, AO4914, AOD438, AOD404, AOD406, AOD412, AOD414, AOL1412, and AOL1414.

Moreover, we note that Fairchild’s more recent PICs regarding the ‘111 and ‘947 patents, served on October 29, have included a narrower identification of accused products. Specifically, those PICs have identified accused products that included specific products and also included “all other AOS products that are the same or substantially similar in all respects relevant to the asserted claims.” If Fairchild is willing to adopt that approach in its other PICs, AOS may be willing to modify its understanding of “accused products.”

Please let me know your thoughts on this matter. Also, we expect to continue the meet and confer discussions regarding AOS’s requests for discovery from Fairchild later this week.

Sincerely,



Andrew J. Wu

cc: Priya Sreenivasan, Esq. (via email: psreenivasan@townsend.com)
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EXHIBIT 8
FILED UNDER SEAL